

1 *STIPULATING PARTIES AND COUNSEL*
2 *LISTED ON SIGNATURE PAGES*

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

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12 In re: CATHODE RAY TUBE (CRT)
13 ANTITRUST LITIGATION

14 This Document Relates to: Individual Case
15 No. 13-cv-2776

16 SHARP ELECTRONICS CORPORATION and
17 SHARP ELECTRONICS MANUFACTURING
18 COMPANY OF AMERICA, INC.,

19 Plaintiffs,

20 v.

21 KONINKLIJKE PHILIPS ELECTRONICS N.V., *et*
22 *al.*,

23 Defendants.
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Case No. 07-5944 (SC)

MDL No. 1917

**STIPULATION AND [PROPOSED]
ORDER REGARDING THE
COMPLAINT IN THE SHARP
ELECTRONICS CORPORATION
AND SHARP ELECTRONICS
MANUFACTURING COMPANY OF
AMERICA, INC. ACTION**

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Sharp Electronics Corporation and Sharp Electronics Manufacturing Company of America, Inc. (collectively, “Plaintiffs”) and the undersigned Defendants have conferred by and through their counsel and, subject to the Court’s approval, HEREBY STIPULATE AS FOLLOWS:

WHEREAS, on June 17, 2013, Plaintiffs filed a Summons and Complaint in the Northern District of California, *Sharp Electronics Corp., et al. v. Koninklijke Philips Electronics N.V., et al.*, Case No. 13-cv-2776 (the “Sharp Summons” and the “Sharp Complaint,” respectively);

WHEREAS, on June 18, 2013, Plaintiffs filed an Administrative Motion Pursuant to Civil L.R. 3-12 To Consider Whether Cases Should Be Related, identifying *Sharp Electronics Corp., et al. v. Koninklijke Philips Electronics N.V., et al.* as related to *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-cv-5944-SC (MDL No. 1917);

WHEREAS, on June 21, 2013, this Court entered an Order finding that *Sharp Electronics Corp., et al. v. Koninklijke Philips Electronics N.V., et al.* is related to *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-cv-5944-SC (MDL No. 1917);

WHEREAS, the undersigned Defendants named in the Sharp Complaint (“Defendants”) have not yet been formally served with process;

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned Plaintiffs and Defendants, as follows:

1. Each of the undersigned Defendants shall be deemed served with the Sharp Summons and Complaint as of the date of execution of this Stipulation.

2. The Sharp Complaint asserts similar causes of action alleged by the following Direct Action Plaintiff complaints: *Stoebner v. LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) (Nov. 7, 2011); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) (Jan. 6, 2012); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*, No. 12-cv-02648 (N.D. Cal.) (Nov. 14, 2011); *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) (Nov. 14, 2011); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396

(N.D. Cal.) (Nov. 14, 2011); *Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-06275 (N.D. Cal.) (Nov. 14, 2011); *Costco Wholesale Corp. v. Hitachi, Ltd.*, No. 11-cv-06397 (N.D. Cal.) (Nov. 14, 2011); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) (Nov. 14, 2011); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.) (Nov. 14, 2011); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv-05513 (N.D. Cal.) (Nov. 14, 2011); *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Mar. 10, 2011); *Tech Data Corporation, et al. v. Hitachi, Ltd. et al.*, Case No. 8:12-cv-02795 (M.D. Fla.) (Dec. 11, 2012); and *Sharp Electronics Corporation, et al. v. Hitachi Ltd., et al.*, Case No. 13-cv-1173 (N.D. Cal.) (Mar. 15, 2013).

3. The Sharp Complaint seeks damages based on an alleged conspiracy to fix, raise, maintain, and/or stabilize prices for CRTs, as set forth in the Sharp Complaint; the Sharp Complaint does not assert any claims that Defendants have combined and conspired to fix, raise, maintain or stabilize the prices of products containing CRTs (“CRT Finished Products”).

4. On August 17, 2012, Defendants filed motions to dismiss and for judgment on the pleadings with respect to the following Direct Action Plaintiff complaints (the “Dispositive Motions”): *Stoebner v. LG Electronics, Inc.*, No. 11-cv-05381 (N.D. Cal.) (Nov. 7, 2011); *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No. 11-cv-05514 (N.D. Cal.) (Jan. 6, 2012); *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*, No. 12-cv-02648 (N.D. Cal.) (Nov. 14, 2011); *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-02649 (N.D. Cal.) (Nov. 14, 2011); *CompuCom Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-06396 (N.D. Cal.) (Nov. 14, 2011); *Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-06275 (N.D. Cal.) (Nov. 14, 2011); *Costco Wholesale Corp. v. Hitachi, Ltd.*, No. 11-cv-06397 (N.D. Cal.) (Nov. 14, 2011); *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502 (N.D. Cal.) (Nov. 14, 2011); *Office Depot, Inc. v. Hitachi, Ltd.*, No. 11-cv-06276 (N.D. Cal.) (Nov. 14, 2011); *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv-05513 (N.D. Cal.) (Nov. 14, 2011); and *Electrograph Systems, Inc. v. Hitachi, Ltd.*, No. 11-cv-01656 (N.D. Cal.) (Mar. 10, 2011). (Dkt. Nos. 1316, 1317, 1319).

5. Pending the resolution of the Dispositive Motions, the undersigned Defendants do not need to answer or otherwise respond to the Sharp Complaint. Once the

1 Honorable Samuel Conti rules on the Dispositive Motions, the parties agree to set a reasonable
 2 deadline for Defendants' answers and/or a reasonable briefing schedule for Defendants' motions
 3 to dismiss Sharp's Complaint.

4 6. The undersigned parties jointly and respectfully request that the Court
 5 enter this stipulation as an order.

6 Dated: June 28, 2013

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21 Dated: June 28, 2013

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14 PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING THEREFORE,
15 IT IS SO ORDERED.

17 DATED: ____ July 3, 2013



HONORABLE SAMUEL CONTI
UNITED STATES DISTRICT COURT JUDGE